

REMARKS

A. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on Claim Amendments, and following remarks.

B. Claim Status and Amendments

Claims 17, 18, 21-36 and 38-40 are presented for further prosecution and stand rejected.

Claims 17 and 36 have been amended as suggested by the Examiner, to overcome the Examiner's formal objections and 35 USC 112 rejections. Some minor grammatical modification has been included.

Further, since the Examiner stated claim 36 would be allowable if amended to overcome the rejections under 35 USC 112, claim 36 has been amended to incorporate the limitations of Claim 17.

The support for these amendments can be found in the claims previously presented. No new matter has been added in these amendments.

C. Request of Entering the Amendments after Final Office Action

Although the above amendments are made after a Final Office Action, they should be entered because they only clarify the limitation by resorting to the claim languages previous presented. It is believed that no further search is necessitated by these amendments. It is respectfully submitted that these amendments to be entered.

D. The Office Action

1. Claim Rejections under 35 USC 112

Claim 17, 18, 21-36, and 38-40 are rejected under 35 USC 112 as being indefinite. Applicants have amended claim 17 and 36 to change "the upper/lower part" into the upper/lower end" and provide antecedent basis for "the cage-forming device" by explicitly incorporating the limitation of Claim 17 into claim 36.

It is respectfully submitted that claims 17 and 36, as well as their dependent claims are now definite.

2. Prior Art Rejections

Claims 17-18 and 21-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by Skiba et al. (US patent 6,908,473).

In the Office Action, the Examiner has equated the anchor mechanism of Skiba for the anchor mechanism of the present invention. Respectfully, this is wrong. The anchor mechanism in Skiba is not the anchor mechanism in the present invention and claim 17 defines over the anchor mechanism in Skiba.

Skiba's anchor 16 in Fig 2b as cited in the Office Action is an "inflatable" balloon. As disclosed in the lines 44-58 of col. 7: "Once anchoring device 10 is positioned within tissue region 20, inflatable anchor 16 is inflated via a fluid such as air, gas, or saline, provided under pressure from, for example, via a syringe 26 (shown in FIG. 1) which, in some configurations, forms a part of guide 25.

The fluid provided from syringe 26 can be utilized to directly inflate inflatable anchor 16, or alternatively it can be utilized to drive a piston provided within distal portion 18 of anchoring device 10, which in turn forces a fluid stored within reservoir 30 into inflatable anchor 16.

In any case, upon inflation, anchor 16 assumes a protruded configuration (as shown, for example, in FIG. 2b) which prevents anchoring device 10 from being pulled out of tissue region 20."

In contrast, the anchoring device of the present invention is a cage-forming device comprising lateral bridging arms 48. As shown in Figs 1 and 3, these individual arms, flex independent of each other and are referred to in Claim 17 as a cage-forming device which is formed from a series of arms. By no ways can inflatable anchor 16 of Skiba be interpreted as cage-forming device comprising arms.

The advantage of the cage-forming device comprising lateral bridging arms as claimed in Claim 17 of the present invention is that umbrella-frame-shaped kinks will be easily induced by a simple pulling of the traction component, and these umbrella-frame-shaped kinks will provide an efficient supporting surface for the anchoring system. There is

therefore no need for the step of applying pressure to inflate a balloon device to form the anchor 16 as in Skiba.

Furthermore, the balloon of Skiba functions differently than the cage and arms of the present invention when performing their anchoring function. In Skiba, the balloon is inflated to function as an anchor. In contrast, the cage of the present invention is collapsed to function as an anchor. Inflating and collapsing can be seen as two diametrically opposed actions.

Respectfully, Skiba does not teach a **cage-forming** device constructed of a series of **arms**. Skiba's inflatable balloon is not a cage and has no arms. Anticipation requires direct teaching of every elements of a claim. Lacking of this critical element, Skiba can not anticipate Claim 17.

It is respectfully submitted that claim 17 and its dependent claims 18 and 21-35 are patentable over Skiba.

3. Allowable Subject Matters

Applicants have noted that the Examiner indicates under item 8 on page 6 of the Office Action, that claim 36 contains allowable subject matter if rewritten or amended

to overcome the rejection under 35 U.S.C. § 112, 2nd paragraph. Applicants have amended claim 36 into an independent claim by incorporating the limitations of Claim 17, on which it was previously dependent.

Claim 36 has been further amended to overcome the formal objections set forth under items 2 and 5 of the Office Action.

Therefore, applicants respectfully submit that claim 36, as well as the claims 38-40 depending therefrom, are now allowable.

E. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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